

REMARKS

In response to the above-identified Final Office Action, Applicant has amended the application and respectfully requests reconsideration thereof.

Amendment of Claims

Claims 1-24 have been cancelled. New Claims 25-38 have been added. New Independent Claims 25, 37 and 38 base treatment of a called party, that is different from treatment of other called parties, on information associated with multiple called parties. Accordingly, corresponding dependent claims 26-36 also include this limitation. Support for this amendment can be found in the description at page 6, line 20 – page 7, line 5.

Response to Claim Rejections – 35 USC § 102

Claims 1-24 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Donaghue, Jr. et al. (U.S. patent no. 5,467,391; hereinafter Donaghue).

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Applicant respectfully submits that the rejection of claims 1-24 under 35 U.S.C. § 102(b) have been overcome and is addressed for the reason that Donaghue does not disclose each and every limitation of new claim 25 of the present application.

New claim 25 includes the following limitation:

treating at least one called party differently from other called parties based on information associated with multiple called parties.

The Office Action, in rejecting cancelled claim 2, contends that the limitation of the claim is anticipated by the following disclosures in Donaghue:

The analyzer 42, using the SCAI 44 or other monitoring means, may determine a variety of statistics for both inbound and outbound calls as shown in FIG. 4. The analyzer 42 monitors the traffic rate 100, that is, the rate of inbound and outbound calls.

Col. 8, lines 26-28.

Agent wrap-up time is the amount of time an agent spends working on the call, from the end of the agent's talk portion of the call until the agent is ready for another call. This may include completion of information for a customer order, a billing request, arrangements for payment of a bill, or the like.

Col. 8, lines 37-42.

The above quotes from Donaghue describe an analyzer 42 that determines a variety of statistics for inbound and outbound calls. Statistics that are monitored include traffic rate 100, talk time 102, wrap-up time 104, in service 106, etc. In addition, the second quote from Donaghue describes an agent completing information for a customer, the completed information taking the form of a customer order, a billing request or arrangements for payment of a bill.

Claim 25 requires a method whereby a called party is treated differently from other called parties. Merely for example, an exemplary embodiment of treatment may take the form of prompting a caller with a unique question. Treatment is different

because other callers are prompted with different questions. In contrast, the above quote from Donaghue does not describe treatment of a called party that is different from other called parties because Donaghue describes types of responses to customers (e.g., an order, billing request, arrangement for payment, etc.). Indeed, all customers that are similarly situated receive the same response from the agent. Clearly, Donaghue does not describe a called party that is treated differently from other called parties; but rather, different types of customer responses. Donaghue therefore cannot be said to anticipate the above quoted limitation because Donaghue describes types of responses to customers and claim 25 requires treating a called party differently from other called parties.

In summary, Donaghue does not disclose each and every limitation of claim 25, as required to support a rejection of this claim under 35 U.S.C. § 102(b).

Independent claims 37 and 38 each include a limitation corresponding substantially to the above-discussed limitation of claim 25. The above remarks are accordingly also applicable to a consideration of these independent claims. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allowability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 26-36 under 35 U.S.C. § 102(b) is also addressed by the above remarks, and the amendments contained herein

In summary, Applicant believes that all rejections presented in the Final Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicant furthermore believes that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

A marked up version of the claims is provided below.

Additions are indicated with “ ” and deletions are indicated within “[].”

1. (Cancelled) A method comprising:

making a plurality of outbound calls to a plurality of called parties from a single device; and
detecting each called party that answers the call.

2. (Cancelled) The method of claim 1 further comprising treating at least one called party individually based on information associated with the called party.

3. (Cancelled) The method of claim 2, further comprising obtaining information associated with at least one called party.

4. (Cancelled) The method of claim 3, wherein obtaining further comprises requesting information from the called party.

5. (Cancelled) The method of claim 4 wherein requesting comprises requesting numerical responses from the called party.

6. (Cancelled) The method of claim 3 wherein obtaining further comprises asking questions to the called party.

7. (Cancelled) The method of claim 2 wherein treating further comprises executing a computer program based on information associated with the called party.

8. (Cancelled) The method of claim 2 wherein treating further comprises sending a message to the called party based on the information associated with the called party.

9. (Cancelled) An apparatus comprising:

means for making a plurality of outbound calls to a plurality of called parties from a single device; and

means for detecting each called party that answers the call.

10. (Cancelled) The apparatus of claim 9 further comprising means for treating at least one called party individually based on information associated with the called party.

11. (Cancelled) The apparatus of claim 10, further comprising means for obtaining information associated with at least one called party.

12. (Cancelled) The apparatus of claim 11, wherein said means for obtaining further comprises means for requesting information from the called party.

13. (Cancelled) The apparatus of claim 12 wherein said means for requesting comprises means for requesting numerical responses from the called party.

14. (Cancelled) The apparatus of claim 11 wherein said means for obtaining further comprises means for asking questions to the called party. -

15. (Cancelled) The apparatus of claim 10 wherein said means for treating further comprises means for executing a computer program based on information associated with the called party.

16. (Cancelled) The apparatus of claim 10 wherein said means for treating further comprises means for sending a message to the called party based on the information associated with the called party.

17. (Cancelled) A computer readable medium having instructions which, when executed by a processing system, cause the system to:

make a plurality of outbound calls to a plurality of called parties from a single device; and
detect each called party that answers the call.

18. (Cancelled) The medium of claim 17, wherein the executed instructions further cause the system to treat at least one called party individually based on information associated with the called party.

19. (Cancelled) The medium of claim 18, wherein the executed instructions further cause the system to obtain information associated with at least one called party.

20. (Cancelled) The medium of claim 19, wherein the executed instructions further cause the system to request information from the called party.

21. (Cancelled) The medium of claim 20, wherein the executed instructions further cause the system to request numerical responses from the called party.

22. (Cancelled) The medium of claim 19, wherein the executed instructions further cause the system to ask questions to the called party.

23. (Cancelled) The medium of claim 18, wherein the executed instructions further cause the system to execute a computer program based on information associated with the called party.

24. (Cancelled) The medium of claim 18, wherein the executed instructions further cause the system to send a message to the called party based on the information associated with the called party.

25. (New) A method comprising:

making a plurality of outbound calls to a plurality of called parties from a single device;

detecting which called parties answer the call; and

treating at least one called party differently from other called parties based on information associated with multiple called parties.

26. (New) The method of claim 25, wherein the information associated with the multiple called parties includes answer information regarding which called parties answered the plurality of outbound calls.

27. (New) The method of claim 25, wherein the information associated with multiple called parties includes customer input.

28. (New) The method of claim 25, wherein the information associated with multiple called parties includes database information concerning the multiple called parties.

29. (New) The method of claim 25, wherein the information associated with the multiple called parties includes responses to requested information from the multiple called parties.

30. (New) The method of claim 29, wherein the response to requested information includes an answer to a personal question.

31. (New) The method of claim 25, wherein the treating of the at least one called party differently from other called parties includes determining a message to send to the at least one called party.

32. (New) The method of claim 31, wherein the message is a question.

33. (New) The method of claim 25, wherein the treating of the at least one called party differently from other called parties includes connecting the party to a conference call.

34. (New) The method of claim 25, wherein the treating of the at least one called party differently from other called parties includes executing an instance of a first script for a first called party that operates independently of a second script for a second called party.

35. (New) The method of claim 34, further comprising the first script communicating with the second script.

36. (New) The method of claim 25, wherein the treating of the at least one called party differently from other called parties includes executing a first computer program for a first called party that operates independently of a second computer program for a second called party.

39. (New) The method of claim 36, further comprising the first computer program communicating with the second computer program.

37. (New) An apparatus comprising:

means for making a plurality of outbound calls to a plurality of called parties from a single device;

means for detecting which called parties answer the call; and

means for treating at least one called party differently from other called parties based on information associated with multiple called parties.

38. (New) A machine readable medium storing a set of instructions that, when executed by the machine, cause the machine to:

make a plurality of outbound calls to a plurality of called parties from a single device;

detect which called parties answer the call; and

treat at least one called party differently from other called parties based on information associated with multiple called parties.